

REMARKS

Claims 1-21 are pending in the Application. Claims 9-17 and 20-21 are withdrawn from consideration. Claims 18 and 19 remain rejected under 35 U.S.C. §112, second paragraph. Claims 1, 3, 5-7 and 18-19 remain rejected under 35 U.S.C. §102(e). Claims 2, 4 and 8 remain rejected under 35 U.S.C. §103(a). Additionally, claims 1-7 are rejected on the ground of non-statutory obviousness-type double patenting. Applicant addresses these rejections below.

I. REJECTIONS UNDER 35 U.S.C. §112, SECOND PARAGRAPH:

The Examiner rejects claims 18 and 19 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Office Action (3/4/2008), page 2. In particular, the Examiner asserts that the limitation of "the second sling transfer instrument" on lines 16, 19, 23, 26 and 29 of claim 18 lack sufficient antecedent basis. *Id.* Applicant kindly directs the Examiner's attention to the limitation of "a second sling transfer instrument" on line 16 (step (d)) of claim 18 thereby providing sufficient antecedent basis for the subsequent uses of "the second sling transfer instrument." Accordingly, Applicant respectfully asserts that claims 18 and 19 particularly point out and distinctly claim the subject matter which Applicant regards as the invention. As a result, Applicant kindly requests the Examiner to withdraw the rejections of claims 18 and 19 under 35 U.S.C. §112, second paragraph.

II. REJECTIONS UNDER 35 U.S.C. §102(e):

The Examiner has rejected claims 1, 3, 5-7 and 18-19 under 35 U.S.C. §102(e) as being anticipated by Staskin et al. (U.S. Patent Application Publication No. 2003/0045774) (hereinafter "Staskin"). Applicant respectfully traverses these rejections and files a Notice of Appeal concurrently herewith. Applicant will specifically provide the reasons for traversal in Applicant's Appeal Brief.

III. REJECTIONS UNDER 35 U.S.C. §103(a):

The Examiner has rejected claim 4 under 35 U.S.C. §103(a) as being unpatentable over Staskin in view of Bilbo (U.S. Patent Application Publication No. 2002/0103542). Further, the Examiner has rejected claims 2 and 8 under 35 U.S.C. §103(a) as being unpatentable over Staskin in view of Inman et al. (U.S. Patent Application Publication No. 2003/0065246) (hereinafter "Inman"). Applicant respectfully traverses these rejections and files a Notice of Appeal concurrently herewith. Applicant will specifically provide the reasons for traversal in Applicant's Appeal Brief.

IV. OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTIONS:

The Examiner indicated that the terminal disclaimer filed on November 26, 2007 was not considered since the attorney that signed the terminal disclaimer was not an attorney of record. Office Action (3/4/2008), page 11. A revocation of the power of attorney with a new power of attorney is filed herewith. Further, the terminal disclaimer is re-filed herewith.

V. CONCLUSION:

Applicant respectfully requests that the Examiner call Applicant's attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

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